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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 TAJ ARMON REID,

12 Defendant.

Case No. [17-cr-00175-CRB-2](#)

**ORDER GRANTING MOTION FOR  
COMPASSIONATE RELEASE**

13  
14 Defendant Taj Reid, an inmate in the custody of the Bureau of Prisons (BOP), is  
15 seeking compassionate release. See Mot. (dkt. 541); Supp. Mot. (dkt. 543). Reid's motion  
16 is based on his heightened risk of becoming severely ill from COVID-19 in light of  
17 multiple underlying conditions: he is being treated for Valley Fever, which he contracted  
18 while in federal custody, and he has hypertension and high cholesterol. See Mot. at 29–30;  
19 Supp. Mot. Ex. A (dkt. 543-2) at 3. He is also a prostate cancer survivor. Id. The  
20 government opposes Reid's motion. See Notice (dkt. 542); Opp'n (dkt. 545). On April  
21 18, 2020, the Court stayed Reid's motion, holding that Reid had not met 18 U.S.C. §  
22 3582(c)(1)(A)'s exhaustion requirement, and would not do so until May 4, 2020, at which  
23 point the Court would have jurisdiction over the matter. See Order Staying Motion (dkt.  
24 547).

25 While the motion was stayed, the government filed two status reports. The first  
26 informed the Court that the BOP had preliminarily approved Reid for home confinement,  
27 and the second, three days later, informed the Court that, notwithstanding that preliminary  
28 approval, BOP cannot designate Reid for home confinement because the Residential

1 Reentry Center for Oakland, California, experienced a positive case of COVID-19 and  
 2 “cannot continue normal operations.” See Status Report (dkt. 550); Second Status Report  
 3 (dkt. 553).<sup>1</sup> Reid also filed a Response, further arguing that he complied with the BOP’s  
 4 procedures for requesting compassionate release (a position with which the Court  
 5 continues to agree, see Order Staying Motion at 4), expressing concern about quarantining  
 6 at the BOP for fear that the 14-day period could be restarted every time an inmate tests  
 7 positive, and providing further information about his medical conditions. See Response  
 8 (dkt. 552).

9 Having carefully reviewed all of the materials the parties submitted, the Court  
 10 concludes that Reid has satisfied the requirements of 18 U.S.C. § 3582(c)(1)(A) and the  
 11 applicable Sentencing Commission policy statement. His motion for compassionate  
 12 release is therefore granted.

13 18 U.S.C. § 3582(c) provides that a “court may not modify a term of imprisonment  
 14 once it has been imposed except . . . upon motion of the Director of the Bureau of Prisons,  
 15 or upon motion of the defendant.” A defendant may bring a § 3582(c) motion after he has  
 16 “fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons” to  
 17 bring the motion on his behalf, or after “the lapse of 30 days from the receipt of such a  
 18 request by the warden of the defendant’s facility, whichever is earlier.” 18 U.S.C.  
 19 § 3582(c)(1)(A).

20 “[A]fter considering” the sentencing factors from 18 U.S.C. § 3553(a) “to the extent  
 21 that they are applicable,” a court may grant the motion to reduce the defendant’s sentence  
 22 in one of two circumstances. First, “if it finds that . . . extraordinary and compelling  
 23 reasons warrant such a reduction.” Id. § 3582(c)(1)(A)(i). Second, if the defendant is at  
 24 least 70 years of age, and meets other conditions not applicable here. See id.  
 25 § 3582(c)(1)(A)(ii).

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 27 <sup>1</sup> Reid simultaneously sought both compassionate release from the Court and home confinement  
 28 from the BOP. See Mot. at 29–30 (“Inmate Request to Staff”); Supp. Mot. at 2; Order Staying  
 Motion at 2.

1 A reduction in sentence under § 3582(c) must be “consistent with applicable policy  
2 statements issued by the Sentencing Commission.” Id. § 3582(c)(1)(A); see also Dillon v.  
3 United States, 560 U.S. 817, 819 (2010) (holding that the Sentencing Commission policy  
4 statement applicable to 18 U.S.C. § 3582(c)(2) remains mandatory, even after United  
5 States v. Booker, 543 U.S. 220 (2005)). Although the statute does not define the term  
6 “extraordinary and compelling reasons,” the Sentencing Commission has. The application  
7 notes to U.S.S.G. § 1B1.3 enumerate five circumstances that establish “extraordinary and  
8 compelling reasons” to reduce a defendant’s sentence.

9 The first two relate to the defendant’s medical condition. The “extraordinary and  
10 compelling reasons” standard is satisfied if “[t]he defendant is suffering from a terminal  
11 illness (i.e., a serious and advanced illness with an end of life trajectory).” U.S.S.G.  
12 § 1B1.3 cmt. n.1(A)(i). It is also satisfied by “a serious physical or medical condition, . . .  
13 serious functional or cognitive impairment, or . . . deteriorating physical or mental health  
14 because of the aging process . . . that substantially diminishes the ability of the defendant  
15 to provide self-care within the environment of a correctional facility and from which he or  
16 she is not expected to recover.” Id. § 1B1.3 cmt. n.1(A)(ii). The defendant’s age  
17 qualifies as a third extraordinary and compelling reason if “[t]he defendant (i) is at least 65  
18 years old; (ii) is experiencing a serious deterioration in physical or mental health because  
19 of the aging process; and (iii) has served at least 10 years or 75 percent of his or her term  
20 of imprisonment, whichever is less.” Id. § 1B1.3 cmt. n.1(B). Family circumstances  
21 requiring the defendant to care for minor children or a spouse or registered partner are a  
22 fourth qualifying reason. Id. § 1B1.3 cmt. n.1(C). Fifth, a catch-all provides for relief if,  
23 “[a]s determined by the Director of the Bureau of Prisons, there exists in the defendant’s  
24 case an extraordinary and compelling reason other than, or in combination with, the  
25 reasons described in subdivisions (A) through (C).” Id. § 1B1.3 cmt. n.1(D).

26 Reid has satisfied these requirements. First, he has exhausted his administrative  
27 remedies because more than thirty days have now lapsed since he, on April 4, 2020,  
28 petitioned the warden at Taft for relief in light of the COVID-19 pandemic. See Mot. at

29–30 (“Inmate Request to Staff”); Order Staying Motion at 6.

Second, the Court has considered the applicable sentencing factors from 18 U.S.C. § 3553(a) and finds that they are consistent with granting Reid’s motion for compassionate release. A jury found Reid guilty of conspiracy to receive a bribe and two counts of aiding and abetting the receipt of a bribe in connection with construction contracts. See Jury Verdict (dkt. 171). Reid also pled guilty to conspiracy to defraud. See Plea (dkt. 180). For all of these offenses, the Court sentenced him to a term of 12 months in custody, to be followed by a term of three years of supervised release. See Judgment (dkt. 431). His 12-month term is set to expire on September 1, 2020. See Supp. Mot. at 2. Early release is not inconsistent with “the nature and circumstances of the offense and the history and characteristics of the defendant,” providing just punishment and adequate deterrence, the applicable sentencing range and policy statements of the Sentencing Commission, and the need to avoid unwarranted sentencing disparities. See 18 U.S.C. § 3553(a). Because Reid is a non-violent offender, with no criminal history, and has had “no history of disciplinary issues in custody,” Supp Mot. at 2, 6, early release is consistent with “protect[ing] the public from further crimes of the defendant.” See 18 U.S.C. § 3553(a)(2)(C). In addition, the “need . . . to provide the defendant with needed . . . medical care . . . in the most effective manner” weighs in favor of early release. See 18 U.S.C. § 3553(a)(2)(D).

Third, “extraordinary and compelling reasons,” as defined by the applicable Sentencing Commission policy statement, “warrant . . . a reduction.” See 18 U.S.C. § 3582(c)(1)(A)(i). Reid suffers from a number of “serious physical or medical condition[s],” including hypertension and high cholesterol, from which he “is not expected to recover,” per U.S.S.G. § 1B1.13 cmt. n.1(A)(ii). See Mot. at 29–30; Supp. Mot. Ex. A at 3; Woodson Decl. (dkt. 552-1) ¶¶ 8–10, Exs. C–E. He is prone to heart disease due to his hypertension and high cholesterol. Supp. Mot. at 4. Moreover, the CDC reports that there is a 6% mortality rate for COVID-19 patients with hypertension, compared with a 0.9% fatality rate for patients without any underlying condition. See Interim Clinical Guidance for Management of Patients with Confirmed Coronavirus Disease (COVID-19),

Centers for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/hcp/clinical-guidance-management-patients.html> (last visited May 5, 2020). Though it is unclear whether and when Reid could expect to recover from his Valley Fever, the seriousness of that condition is not lost on the Court, and there is no indication that Reid would recover by September 1. Valley Fever causes lung infection and, in 40–50% of cases where patients seek treatment, results in acute pneumonia. Supp. Mot. at 4 (citing Kern County Public Health Services, <https://bit.ly/2XHa9XV>, last visited on May 5, 2020); see also Valley Fever (Coccidioidomycosis) Risk & Prevention, Centers for Disease Control and Prevention, <https://www.cdc.gov/fungal/diseases/coccidioidomycosis/risk-prevention.html> (last visited May 5, 2020) (“People who are Black” may be at higher risk for developing severe forms of Valley Fever). Chronic lung disease increases a person’s risk of getting severely ill from COVID-19. See People Who are at Higher Risk For Illness, Coronavirus Disease 2019-Covid-19, Centers for Disease Control and Protection, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html> (last visited May 5, 2020) (hereinafter “People Who are at Higher Risk”). Indeed, patients with chronic lung disease make up 21% of ICU-hospitalized COVID-19 patients and make up only 7% of COVID-19 patients who did not require hospitalization. See CDC Covid-19 Response Team, Preliminary Estimates of the Prevalence of Selected Underlying Health Conditions Among Patients with Coronavirus Disease 2019 — United States, February 12–March 28, 2020 at 384, Table 1, <https://www.cdc.gov/mmwr/volumes/69/wr/pdfs/mm6913e2-H.pdf> (last visited May 5, 2020) (hereinafter “Preliminary Estimates”).

In the context of the COVID-19 pandemic, Reid’s medical conditions, which render him uniquely vulnerable to serious illness if he contracts COVID-19, see Preliminary Estimates at 382 (“percentage of COVID-19 patients with at least one underlying health condition . . . was higher among those requiring [ICU] admission”—78%— “than that among those who were not hospitalized”—27%); People Who are at Higher Risk (“people of any age who have serious underlying medical conditions might be at higher risk for

severe illness from COVID-19”), “substantially diminish[ ]” his ability “to provide self-care within the environment of a correctional facility.” U.S.S.G. § 1B1.13 cmt. n.1(A)(ii); see also United States v. Perez, 17 Cr. 513-3 (AT), 2020 WL 1546422, at \*4 (S.D.N.Y. Apr. 1, 2020) (“Confined to a small cell where social distancing is impossible, [Reid] cannot provide self-care because he cannot protect himself from the spread of a dangerous and highly contagious virus.”).

For the foregoing reasons, Reid’s motion for compassionate release is granted. Reid’s sentence of imprisonment is modified to time served. However, as the government has requested, see Second Status Report at 2, the remaining portion of the original term of imprisonment (as calculated by the BOP) shall be served as supervised release with the special condition that Reid shall be subject to home confinement, followed by the three-year term of supervised release imposed in the original sentence. See Judgment. Because Reid has been in quarantine since his transfer on April 17, 2020, the government advises that a further quarantine is not necessary. See Second Status Report at 1–2. The BOP is therefore directed to release Reid forthwith. The government shall serve a copy of this order on the Warden at FCI Mendota immediately.

**IT IS SO ORDERED.**

Dated: May 5, 2020




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CHARLES R. BREYER  
United States District Judge